

Carlos Hernández
Mayor

Isis Garcia-Martinez
Council President

Luis González
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Katharine E. Cue-Fuente
Paul B. Hernández
Lourdes Lozano

City Council Agenda September 9, 2014 7:00 P.M.

Call to Order -

Roll Call-

Invocation given by Marbelys Fatjo, Acting City Clerk

Pledge of Allegiance led by Council President Isis Garcia-Martinez

Meeting Guidelines

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

Presentations –

- (1) Council President Isis Garcia-Martinez, on behalf of Mayor Hernandez, proclaims the month of September 2014 as National Childhood Cancer Awareness Month.
- (2) Council President Isis Garcia-Martinez, on behalf of Mayor Hernandez, proclaims the month of September 2014 as National Childhood Obesity Awareness Month.

1. Announcement of Amendments/Corrections to the Agenda –

2. Consent Agenda—

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

- A.** Request permission to approve the Summary Agenda/Minutes of the City of Hialeah Council Meeting held on August 26, 2014. (OFFICE OF THE CITY CLERK)
- B.** Request permission to award Hialeah Bid No. 2014/15-3230-00-022 – Electrical and Site Lighting for the Cultural Park, and issue a purchase order to Thevenin Enterprises, Inc., lowest responsive bidder, in a total cumulative amount not to exceed \$361,000. (CONSTRUCTION AND MAINTENANCE DEPT.)
- C.** Request permission to award Hialeah Bid No. 2013/14-3230-00-024 – Public Works Complex Demolition of Existing Warehouses & Buildings – 3700 West 4 Avenue, and issue a purchase order to Thunder Demolition, Inc., second lowest responsive bidder, in a total cumulative amount not to exceed \$19,000. TTC Environmental Inc., lowest responsive bidder, did not provide a bid bond and did not include items in addendum number two. (CONSTRUCTION AND MAINTENANCE DEPT.)
- D.** Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order # 2014-590, issued to Manhattan Electric & Hardware Corporation d/b/a Manhattan Electric & Lighting Supply, to purchase electrical supplies and materials, by an additional amount of \$10,000, for a new total cumulative amount not to exceed \$35,000. (CONSTRUCTION AND MAINTENANCE DEPT.)
- E.** Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order # 2014-607, issued to South Florida Appliance, Inc., to purchase supplies and materials, by an additional amount of \$10,000, for a new total cumulative amount not to exceed \$35,000. (CONSTRUCTION AND MAINTENANCE DEPT.)
- F.** Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order # 2014-569, issued to Graybar Electric Company, Inc., to purchase electrical supplies and materials, by an additional amount of \$10,000, for a new total cumulative amount not to exceed \$25,000. (CONSTRUCTION AND MAINTENANCE DEPT.)
- G.** Request permission to waive competitive bids, since it is advantageous to the City, and renew the agreement with Action Cleaning Services A P Corp, for city-wide janitorial services for a period of two years, in a total cumulative amount not to exceed \$363,289.80 per year. (CONSTRUCTION AND MAINTENANCE DEPT.)
- H.** Request authorization to expend funds from the Operating Supplies – Uniforms account to pay Lou's Police Distributors, Inc., for June and July invoices, as well as to cover

future invoices for the remainder of the fiscal year, in a total cumulative amount not to exceed \$30,000. (POLICE DEPARTMENT)

- I. Request permission to utilize State of Florida Contract No. 618-000-11-11 – Office and Education Consumables, and issue a purchase order to Office Depot, Inc., to purchase office supplies during fiscal year 2014-2014, in a total cumulative amount of \$170,000 to be allocated to various City departments. (PURCHASING DEPT.)
- J. Request permission to waive competitive bidding, since it is advantageous to the City in that the City presently uses the services of this vendor and is satisfied with such, and issue a purchase order to Amano McGann, Inc., for the maintenance and upgrade of the Parking Garage Pay-on Foot Premium Support Agreement, for a period of three years commencing on October 31, 2012 and ending on November 1, 2015, for a total cost of \$51,576 over the course of the three years and a total cumulative amount of \$17,192 for fiscal year 2014-2015, of which \$14,132 is the cost of maintenance and \$3,060 is the cost of the upgrades. (PURCHASING DEPT.)
- K. Request permission to waive competitive bidding, since it advantageous to the City, and issue a purchase order to Home Depot U.S.A., Inc., for the purchase of operational supplies when needed, in a total cumulative amount not to exceed \$100,000 to be allocated to various City departments. (PURCHASING DEPT.)
- L. Request permission to increase purchase order # 2014-1811, since it is advantageous to the City, issued to Eureka Farms LLC, for median landscaping replacement along Okeechobee Road from LeJeune Road to Palm Avenue, by an additional amount of \$45,000, for a new total cumulative amount not to exceed \$90,000. (STREETS DEPT.)
- M. Request permission to waive competitive bidding, since it is advantageous to the City, and award the West 17 Court from 68 Street to 72 Street roadway and drainage improvements to Williams Paving Co. Inc., vendor submitting the lowest proposal, in a total cumulative amount not to exceed \$187,797.12, of which 167,797.12 is the cost of the project and \$20,000 is for contingency fees. (CONSTRUCTION AND MAINTENANCE DEPT.)
- N. Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City to enter into a fourth amendment to the Professional Services Agreement between the City of Hialeah and MV Contract Transportation, Inc., dated October 29, 2010 for the operation of the City's bus transit system, renewing the term of the agreement for an additional two years beginning on October 1, 2014 and ending on September 30, 2016 and increasing the premium rate for bus service hours in excess of the base to \$42.47 per service hour for the first year and \$52.36 per service hour for the second year, a copy of which is attached hereto and made a part hereof as Exhibit "1". (TRANSIT)
- O. Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City to enter into a third amendment to the Bus Lease Agreement renewing the term for an additional two years commencing on October 1, 2014 and ending on

September 30, 2016, a copy of which is attached hereto and made a part hereof as Exhibit “1”.

- P. Proposed resolution granting an agreement for processing recyclable materials to Progressive Waste Solutions of Florida, Inc. as the qualified, responsive and responsible bidder providing the most economic value to the City pursuant to Invitation to Bid No. 2013-2014-9500-00-011 for the processing, marketing and sale of the City’s recyclable materials collected, for an initial term of five years, on terms and conditions set forth in the agreement, as published in the Invitation to Bid, and authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City of Hialeah, to execute the agreement, a copy of which is attached hereto as “Exhibit 1”. (LAW DEPT.)
3. Second reading and public hearing of proposed ordinance authorizing the negotiation of a loan in an aggregate amount not to exceed \$25,000,000 from the Florida Municipal Loan Council; approving the form of and the execution and delivery of a loan agreement with the Florida Municipal Loan Council; approving the execution and delivery of a Bond Purchase Contract; approving the execution and delivery of a Continuing Disclosure Agreement; providing certain other matters in connection with the making of such loan; providing penalties for violation hereof; providing for a severability clause and providing an effective date. (ADMINISTRATION)

This item was approved on first reading on August 26, 2014.

4. First reading of proposed ordinance amending Chapter 90 entitled “Vehicles for Hire”, “Article III. Wrecker Service” of the Code of Ordinances and in particular amending Hialeah Code §98-171 “Definitions” to define “Immobilization”; and further by creating Section 90-179 entitled “Immobilization” requiring a business tax receipt, setting the maximum fee of \$20.00 for removal of the immobilization device and \$15.00 for removal of the immobilization device when the operator is still on the property; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause; and providing for an effective date. (ADMINISTRATION)
5. Pursuant to Section 2.01 of the City’s Charter, Mayor Hernandez appoints Miguel Anchia, subject to civil service rules and regulations, to the position of Hialeah Fire Chief. (ADMINISTRATION)
6. Board Appointments –
- a. Proposed resolution appointing **Frank Cabrera** as a member of the Planning and Zoning Board for a period of a two (2)-year term ending on September 9, 2016. (COUNCIL VICE PRESIDENT GONZALEZ)
7. Unfinished Business –
8. New Business –
9. Comments and Questions -

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING

PZ 1. Second reading and public hearing of proposed ordinance vacating all alleys dedicated for public use and lying in Block 36-B only, of Amended Plat of the Amended Plat of Thirteen Addition to Hialeah, pursuant to the Plat thereof, as recorded in Plat Book 34, at Page 26, of the Public Records of Miami-Dade County, Florida. **Property located between East 4 Avenue and East 5 Avenue, north of East 25 Street and south of East 26 Street, Hialeah, Florida**, and more particularly described in the legal description and location sketch attached hereto and made a part hereof as Exhibit "A". *Applicant: Leon Medical Centers, Inc.*

Item was approved on first reading on August 26, 2014.

Item was approved by the Planning and Zoning Board on August 13, 2014.

PZ 2. Second reading and public hearing of proposed ordinance approving a Final Plat of Ready Auto Zone Tract, accepting all dedication of avenues, streets, roads or other public ways, together with all existing and future planting of trees; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **Property located at 3850 West 12 Avenue, Hialeah, Florida.** *Applicant: The Cayon Family Limited Partnership No. 2*

Item was approved on first reading on August 26, 2014.

Item was approved by the Planning and Zoning Board on August 13, 2014.

PZ 3. First reading of proposed ordinance granting a Variance Permit to allow a Pylon Reader Board LED Sign on property zoned C-1 (Restricted Retail Commercial District) outside the geographic area where LED signs are permitted, a distance of less than 300 feet from property zoned Residential, where a minimum 300 feet is required; and allow a setback of 2 feet from the right-of-way line, where 10 feet are required; contra to Hialeah Code §§ 74-149(b), 74-149(e) and 74-128(1)e. **Property located at 4640 Palm Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *Applicant: Benjamin Ochner* **ITEM CONTINUED ON AUGUST 26, 2014 UNTIL SEPTEMBER 9, 2014.**

Item was continued on August 26, 2014 until the meeting of September 9, 2014 because the

applicant was not present.

Item was continued on August 12, 2014 until the meeting of August 26, 2014.

Item came before the City Council as a Recommendation of Denial by the Planning and Zoning Official, upheld by the Planning and Zoning Board, and the denial was overridden by the Council on June 24, 2014.

- PZ 4. First reading of proposed ordinance granting a Special Use Permit (SUP) to allow the use of a prefabricated building on property zoned M-1 (Industrial District) for extended period of time not exceeding *42 months* from the effective date of this ordinance for a temporary sorting facility for the loading and unloading, sorting and distribution of mail packages. **Property located at 6001 East 8 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *Applicant: United Parcel Service, Inc.*

Item was approved on first reading on August 26, 2014. The item needs to be heard on first reading again due to a change in the ordinance.

Item was approved by the Planning and Zoning Board on August 13, 2014.

- PZ 5. Recommendation of denial by the Planning and Zoning Official, upheld by the Planning and Zoning Board, of a Conditional Use Permit (CUP) to allow a house of worship, and consider granting a variance permit to allow 17 parking spaces, 5 of them backing out into the street (118 parking spaces required and back-out parking only allowed in low density residential areas). Property located at **460 West 83 Street, Hialeah, Florida.** *Applicant: Biblico Puertas De Sion.* **ITEM CONTINUED ON AUGUST 26, 2014 UNTIL SEPTEMBER 9, 2014.**

Item was continued on June 24, 2014 until the meeting of August 26, 2014 per the request of the applicant's architect.

Item was continued on May 27, 2014 until the meeting of June 24, 2014, per the applicant's request.

Item was continued on May 13, 2014 until the meeting of May 27, 2014.

SPECIAL MEETING

SMALL SCALE AMENDMENTS

- LU 1. Second reading and public hearing of proposed ordinance amending the Future Land Use Map from Low Density Residential to Commercial; **Property located at 17 West 17 Street, Hialeah, Florida,** zoned R-1 (One-Family District); repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing

for a severability clause; and providing for an effective date. *Applicant: Lourdes M. Cochez*

Item was approved on first reading on August 26, 2014.

Item was approved by the Planning and Zoning Board on August 13, 2014.

LU 2. Second reading and public hearing of proposed ordinance amending the Future Land Use Map from Commercial to High Density Residential; **Property located at 1190 Southeast 8 Avenue, Hialeah, Florida**, zoned C-3 (Extended Liberal Commercial District); repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *Applicant: Spinal Cord Living – Assistance Development, Inc. (SCLAD)*

Item was approved on first reading on August 26, 2014.

Item was approved by the Planning and Zoning Board on August 13, 2014.

LU 3. Second reading and public hearing of proposed ordinance amending the Future Land Use Map from Medium and High Density Residential to Commercial; **Property located at the northwest corner of the intersection of East 25 Street and East 5 Avenue bounded to the north by East 26 Street and to the west by East 4 Avenue, Hialeah, Florida**; repealing all ordinance or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *Applicant: Leon Medical Centers, Inc.*

Item was approved on first reading on August 26, 2014.

Item was approved by the Planning and Zoning Board on August 13, 2014.

NEXT CITY COUNCIL MEETING: September 23, 2014 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: November 25, 2014 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is

withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).